

### REMARKS

Applicants have studied the Office Action dated July 15, 2005. No new matter has been added. It is submitted that the application is in condition for allowance or is at least presented in better form for appeal. By virtue of this amendment, claims 1-20 are pending. Reconsideration and further examination of the pending claims in view of the above amendments and the following remarks is respectfully requested. In the Office Action, the Examiner:

- Rejected claims 1-3, 14-16, and 20 under 35 U.S.C. §103(a) as being unpatentable over Meyerzon et al. (U.S. Patent No. 6,638,314), in view of Lawrence et al. (U.S. Patent No. 6,289,342) and in further view of Blumenthal (U.S. Patent No. 6,026,409); and
- Rejected claims 4-6 and 17-19 under 35 U.S.C. 103(a) as being unpatentable over Meyerzon et al. (U.S. Patent No. 6,638,314), in view of Lawrence et al. (U.S. Patent No. 6,289,342) as applied to claim 1 and in further view of Hobbs (U.S. Patent No. 6,523,022).

Rejection under 35 U.S.C. §103(a) in view of Meyerzon, Lawrence, with Blumenthal

As noted above, the Examiner rejected claims 1-3, 14-16, and 20 under 35 U.S.C. §103(a) as being unpatentable over Meyerzon et al. (U.S. Patent No. 6,638,314), in view of Lawrence et al. (U.S. Patent No. 6,289,342) and in further view of Blumenthal (U.S. Patent No. 6,026,409). The Examiner goes on to combine Meyerzon with Lawrence in further view of Blumenthal.<sup>1</sup> Specifically, Meyerzon taken alone and/or in view of Lawrence and/or in view of Blumenthal is silent on:

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<sup>1</sup> Applicants make no statement whether such combination is even proper.

retrieving a web document at an address, and extracting contents of the web document for rendering an intermediate dynamically constructed in-memory webpage representation of the web document at a hub processing unit which is formatted as if displayed for viewing on an end-user's web browser;

loading secondary documents associated with the web document in order to render the secondary documents as part of the in-memory webpage representation, wherein the secondary documents include one or more images with textual content embedded therein, wherein the hub processing unit renders the in-memory webpage prior to analyzing and summarizing the in-memory webpage;

analyzing and summarizing the in-memory webpage representation to produce a text map for the webpage document of the textual contents; and

using optical character recognition on the images to extract textual content for adding to the textual map for the webpage document.

The arguments presented regarding Meyerzon and Lawrence in the Response and Amendment dated April 27, 2005 are likewise applicable here and will not be repeated. However, additional arguments are given below with respect to Meyerzon.

The Examiner states on page 2 of the present Office Action that Meyerzon discloses *"retrieving a web document at an address and extracting contents of the web document for rendering an intermediate dynamically constructed in-memory web page representation of the web document at a hub processing unit which is formatted as if displayed for viewing on an end-user's web browser"*. The Examiner cites Meyerzon at col. 7, lines 60-65 and col. 8, lines 15-20 in support thereof, wherein the Examiner characterizes Meyerzon as teaching that a "web crawler program searches remote server computers connected to the network for electronic documents and retrieves

electronic documents and associated data and a browser displays documents to a user”.

However, this is not the same as retrieving a web document at an address, and extracting contents of the web document for rendering an intermediate dynamically constructed in-memory webpage representation of the web document at a hub processing unit which is formatted as if displayed for viewing on an end-user's web browser. Meyerzon teaches indexing electronic documents. The web crawler program of Meyerzon retrieves electronic documents and associated data. See Meyerzon at col. 7, lines 60-67. The information is passed to an indexing engine which creates an index of the retrieved data. The index contains reference information and pointers to corresponding electronic documents, for example, keywords. See Meyerzon at col. 8, lines 1-16. Meyerzon teaches that the index is similar to an index in a book. See Meyerzon at col. 8, lines 1-16.

When a user requests a search, the search engines examines its index and returns a list of documents to the browser of the user's computer. See Meyerzon at col. 8, lines 26-35. Meyerzon is not teaching extracting contents of the web document for rendering an intermediate dynamically constructed in-memory webpage representation of the web document at a hub processing unit which is formatted as if displayed for viewing on an end-user's web browser. Meyerzon is teaching indexing information (i.e. extracting keywords) on electronic documents, which is not the same as extracting contents for rendering an intermediate dynamically constructed in-memory webpage representation of the web document. Meyerzon especially does not teach rendering, by a hub processing unit, an in-memory webpage as if displayed for viewing on an end-user's web browser. The Examiner's citations of Meyerzon and the remainder of Meyerzon are completely absent a teaching of the above claim element.

Further, Lawrence is completely silent on rendering an intermediate dynamically constructed in-memory webpage representation of the web document at a hub processing unit which is formatted as if displayed for viewing on an end-user's web browser. Lawrence also does not teach, suggest, or anticipate loading secondary documents associated with the web document in order to render the secondary documents as part of the in-memory webpage representation, wherein the secondary documents include one or more images with textual content embedded therein, wherein the hub processing unit renders the in-memory webpage prior to analyzing and summarizing the in-memory webpage. Accordingly, independent claims 1, 14, and 20 of the present invention distinguish over both the Meyerzon and Lawrence references for at least these reasons.

The Applicants reiterate the "inoperable system" and "seemingly inoperative device" arguments made in the previous Response and Amendment dated April 27, 2004 on pages 15-17 regarding the combination of Meyerzon with Lawrence. For the sake of brevity, these arguments will not be repeated here.

As the Examiner correctly states on page 3 of the present Office Action Meyerzon does not specifically mention "*wherein the hub processing unit renders the in-memory webpage prior to analyzing and summarizing the in-memory webpage*". However, the Examiner goes on to combine Meyerzon and Lawrence with Blumenthal stating that "it would have been obvious to one of ordinary skill in the art at the time of the invention, to apply Blumenthal to Meyerzon, providing Meyerzon the benefit of rendering the document prior to the user action to ensure the correct page is being analyzed and summarized".<sup>2</sup>

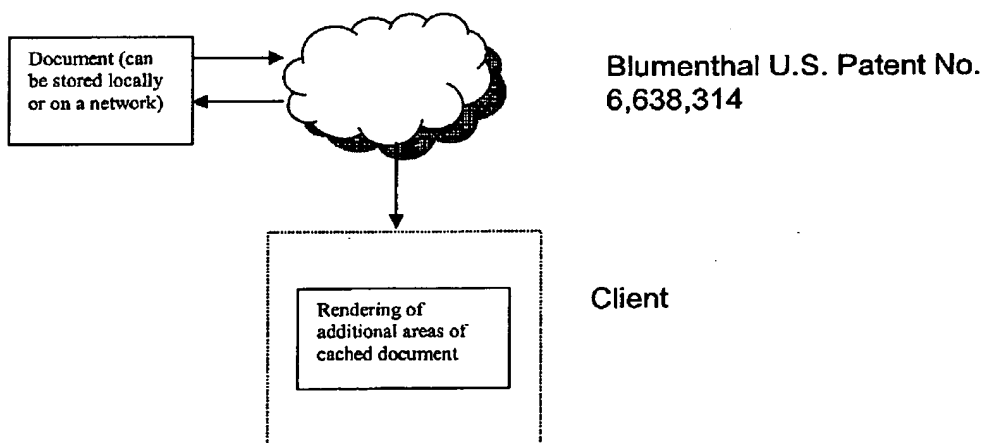
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<sup>2</sup> Applicants make no statement whether such combination is even proper.

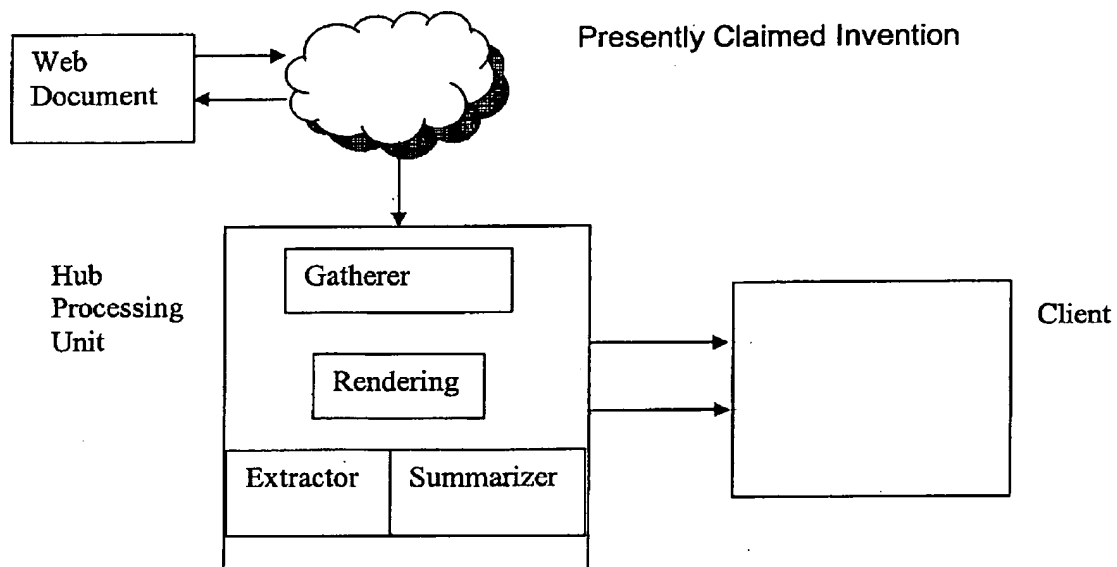
Blumenthal teaches a system and method for the visual search and retrieval of digital information within a single document of multiple documents. See Blumenthal at col. 7, lines 9-11. A viewing window has a first pane that provides a global view of digitally stored information and a second pane that provides a local view of the information. A user submits queries and the keywords entered are displayed on the user's screen in a particular document as being highlighted. See Blumenthal at col. 7, lines 1-25.

Nowhere, does Blumenthal teach, anticipate, or suggest wherein the hub processing unit renders the in-memory webpage prior to analyzing and summarizing the in-memory webpage. In fact, the Examiner cites Blumenthal at col. 17, lines 45-53. Blumenthal teaches that any additional rendering is performed on the user computer. See Blumenthal generally. Nowhere does Blumenthal teach that the additional rendering is performed at a hub processing unit, as recited for the present invention.

The following diagrams are provided to assist in describing the above technical differences between Blumenthal and the present invention. Starting with Blumenthal, the following diagram illustrates how the additional rendering of areas of a cached document is rendered at the client side only:



In contrast, the following diagram illustrates how the presently claimed invention renders a complete in-memory representation of the webpage at a hub processing unit:



As can be seen from the above diagrams, Blumenthal renders additional areas of the cached document on the client side. The present invention, on the other hand, renders the in-memory representation at a hub processing unit, as it would be displayed on a user's web browser. Accordingly, the present invention distinguishes over Blumenthal for at least this reason.

Furthermore, Blumenthal teaches only rendering additional areas of a cached document and not a complete in-memory webpage. See Blumenthal at col. 17, lines 45-52 and FIG. 13. The present invention on the other hand, renders an in-memory webpage as it would be displayed on a user's web browser and not just areas of the webpage. Accordingly, the present invention distinguishes over Blumenthal for at least this reason as well.

Moreover, Blumenthal states at col. 17, lines 45-53 "...the cached document can be rendered..." wherein the term "render" relates to the visual display of a document and not the construction of an in-memory data structure, as recited for the present invention. See Blumenthal at col. 17, lines 45-53. The present invention, on the other hand, recites "renders the in-memory webpage" wherein the term "renders" is not implying a visual display of a document, but rather the construction of a data structure of the webpage in memory, which is subsequently analyzed and summarized. This distinction is important. The teachings of Blumenthal are directed to visual display of a document on a client. This is not an intermediary representation of the complete web page along with "the secondary documents" which are loaded "as part of the in-memory representation." The visual representation as described by Blumenthal is not subsequently indexed. Accordingly, the teachings of Blumenthal are completely *inoperable* in this regard.

Therefore, Blumenthal does not teach, anticipate, or suggest "retrieving a web document at an address, and extracting contents of the web document for rendering an intermediate dynamically constructed in-memory webpage representation of the web document at a hub processing unit which is formatted as if displayed for viewing on an end-user's web browser... wherein the hub processing unit renders the in-memory webpage prior to analyzing and summarizing the in-memory webpage...".

Continuing further, when there is no suggestion or teaching in the prior art for a hub processing unit for "retrieving a web document at an address, and extracting contents of the web document for rendering an intermediate dynamically constructed in-memory webpage representation of the web document at a hub processing unit which is formatted as if displayed for viewing on an end-user's web browser... wherein the hub processing unit renders the in-memory webpage prior to analyzing and summarizing the in-memory webpage..." the suggestion cannot come from the Applicants' own

specification. The Federal Circuit has repeatedly warned against using the Applicant's disclosure as a blueprint to reconstruct the claimed invention out of isolated teachings of the prior art. See MPEP §2143 and *Grain Processing Corp. v. American Maize-Products*, 840 F.2d 902, 907, 5 USPQ2d 1788 1792 (Fed. Cir. 1988) and *In re Fitch*, 972 F.2d 160, 12 USPQ2d 1780, 1783-84 (Fed. Cir. 1992).

Moreover, the Federal Circuit has consistently held that when a §103 rejection is based upon a modification of a reference that destroys the intent, purpose or function of the invention disclosed in the reference, such a proposed modification is not proper and the *prima facie* case of obviousness can not be properly made. See *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Here the intent, purpose and function of Meyerzon taken alone and/or in view of Lawrence and/or in further view of Blumenthal is the indexing of electronic documents for use by a search engine allowing a user to select a document to be displayed by a client-side web browser. The rendering of a webpage only occurs at the client side. Because Meyerzon does not render an in-memory webpage as it would be displayed on a user's web browser or render the in-memory webpage prior to analyzing and summarizing the in-memory webpage, this combination as suggested by the Examiner destroys the intent and purpose of Meyerzon. In contrast, the intent and purpose of the present invention is to render an in-memory webpage representation of a web document prior to analyzing and summarizing the in-memory webpage. Accordingly, the combination of Meyerzon and Lawrence in further view of Blumenthal results in an inoperable system, and the Examiner's case of "*Prima Facie Obviousness*" should be withdrawn.

Furthermore, the Federal Circuit stated in McGinley v. Franklin Sports, Inc., (Fed Cir 2001) that if references taken in combination would produce a "seemingly inoperative



device," such references teach away from the combination and thus cannot serve as predicates for a prima facie case of obviousness. In re Sponnoble, 405 F.2d 578, 587, 160 USPQ 237, 244 (CCPA 1969) (references teach away from combination if combination produces seemingly inoperative device); see also In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (inoperable modification teaches away). Here, Meyerzon teaches rendering an electronic document for display on a web browser at the client side. Therefore, the combination of Meyerzon with Lawrence and/or in further view of Blumenthal to produce the presently claimed invention where an in-memory webpage representation of a web document is rendered prior to analyzing and summarizing the in-memory webpage would produce an inoperative device. Accordingly, the combination of Meyerzon and Lawrence in further view of Blumenthal is improper.

For the foregoing reasons, Independent claims 1, 14, and 20 distinguish over Meyerzon taken alone and/or in view of Lawrence and/or in view of Blumenthal. Claims 2-13, and 15-19 depend from claims 1 and 14 respectively, either directly or by way of an intervening claim. Since dependent claims contain all the limitations of the independent claims, claims 2-13, and 15-19 distinguish over Meyerzon taken alone and/or in view of Lawrence and/or in view of Blumenthal, as well, and the Examiner's rejection should be withdrawn, which withdrawal is respectfully requested.

Rejection under 35 U.S.C. §103(a) in view of Meyerzon, Lawrence with Hobbs

As noted above, the Examiner rejected claims 4-6 and 17-19 under 35 U.S.C. 103(a) as being unpatentable over Meyerzon et al. (U.S. Patent No. 6,638,314), in view of Lawrence et al. (U.S. Patent No. 6,289,342) as applied to claim 1 and in further view of Hobbs (U.S. Patent No. 6,523,022). With respect to Meyerzon and Lawrence, the above arguments regarding independent claims 1, 14, and 20 are applicable here and will not be repeated. As the Examiner correctly states on pages 8 and 9 of the Office

Action, Meyerzon is silent on loading secondary documents including one or more Java applets with textual content embedded therein, loading secondary documents including web documents selected from the group of documents consisting of in-line frames, frames, and equivalents, and loading secondary documents including one or more Java Script components with textual content embedded therein, respectively. The Examiner goes on to combine Meyerzon with Lawrence as applied in claim 1, in further view of Hobbs.<sup>3</sup>

Hobbs discloses dynamically augmenting the contents of an information file on a first network resource. See Hobbs at col. 7, lines 53-55. Hobbs is completely silent on rendering an intermediate dynamically constructed in-memory webpage representation of the web document at a hub processing unit which is formatted as if displayed for viewing on an end-user's web browser. Hobbs also does not teach, suggest, or anticipate loading secondary documents associated with the web document in order to render the secondary documents as part of the in-memory webpage representation, wherein the secondary documents include one or more images with textual content embedded therein, wherein the hub processing unit renders the in-memory webpage prior to analyzing and summarizing the in-memory webpage. Accordingly, independent claims 1, 14, and 20 of the present invention distinguish over Meyerzon and/or Lawrence and/or in further view of Hobbs for at least this reason.

Continuing further, when there is no suggestion or teaching in the prior art for a hub processing unit for "extracting contents of the web document for rendering an intermediate dynamically constructed in-memory webpage representation of the web document at a hub processing unit which is formatted as if displayed for viewing on an end-user's web browser"; "loading secondary documents associated with the web document in order to render the secondary documents as part of the in-memory

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<sup>3</sup> Applicants make no statement whether such combination is even proper.

webpage representation...wherein the hub processing unit renders the in-memory webpage prior to analyzing and summarizing the in-memory webpage" the suggestion cannot come from the Applicants' own specification. The Federal Circuit has repeatedly warned against using the Applicant's disclosure as a blueprint to reconstruct the claimed invention out of isolated teachings of the prior art. See MPEP §2143 and *Grain Processing Corp. v. American Maize-Products*, 840 F.2d 902, 907, 5 USPQ2d 1788 1792 (Fed. Cir. 1988) and *In re Fitch*, 972 F.2d 160, 12 USPQ2d 1780, 1783-84 (Fed. Cir. 1992).

Moreover, the Federal Circuit has consistently held that when a §103 rejection is based upon a modification of a reference that destroys the intent, purpose or function of the invention disclosed in the reference, such a proposed modification is not proper and the *prima facie* case of obviousness can not be properly made. See *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Here the intent, purpose and function of Meyerzon taken alone or in view of Lawrence and/or in further view of Hobbs is the indexing of electronic documents for use by a search engine allowing a user to select a document to be displayed by a client-side web browser. The rendering of a webpage only occurs at the client side. Because Meyerzon does not render an in-memory representation of a webpage prior to analyzing and summarizing the in-memory webpage, this combination as suggested by the Examiner destroys the intent and purpose of Meyerzon. In contrast, the intent and purpose of the present invention is to render an in-memory webpage representation of a web document prior to analyzing and summarizing the in-memory webpage. Accordingly, the combination of Meyerzon and Lawrence in further view of Hobbs results in an inoperable system and the Examiner's case of "*Prima Facie Obviousness*" should be withdrawn.

Furthermore, the Federal Circuit stated in McGinley v. Franklin Sports, Inc., (Fed Cir 2001) that if references taken in combination would produce a "seemingly inoperative device," such references teach away from the combination and thus cannot serve as predicates for a prima facie case of obviousness. In re Sponnoble, 405 F.2d 578, 587, 160 USPQ 237, 244 (CCPA 1969) (references teach away from combination if combination produces seemingly inoperative device); see also In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (inoperable modification teaches away). Here, Meyerzon teaches rendering an electronic document for display on a web browser at the client side. Therefore, the combination of Meyerzon with Lawrence and/or in further view of Hobbs to produce the presently claimed invention where an in-memory webpage representation of a web document is rendered prior to analyzing and summarizing the in-memory webpage would produce an inoperative device. Accordingly, the combination of Meyerzon and Lawrence in further view of Hobs is improper.

For the foregoing reasons, independent claims 1, 14, and 20 distinguish over Meyerzon and/or Lawrence and/or in further view of Hobbs. Claims 4-6 and 17-19 depend from claims 1 and 14 respectively either directly or by way of an intervening claim. Since dependent claims contain all the limitations of the independent claims, claims 4-6 and 17-19 distinguish over Meyerzon and/or Lawrence and/or in further view of for Hobbs as well, and the Examiner's rejection should be withdrawn, which withdrawal is respectfully requested.

### CONCLUSIONS

In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do

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not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to the disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §§ 1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

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**PLEASE**, if for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned attorney at (561) 989-9811 should the Examiner believe a telephone interview would advance the prosecution of the application.

Respectfully submitted,

Date: September 12, 2005

By:   
Jon Gibbons  
Registration No. 37,333  
Attorney for Applicants

FLEIT, KAIN, GIBBONS,  
GUTMAN, BONGINI & BIANCO P.L.  
One Boca Commerce Center, Suite 111  
551 Northwest 77th Street  
Boca Raton, FL 33487  
Tel. (561) 989-9811  
Fax (561) 989-9812

Please Direct All Future Correspondence to Customer Number **23334**

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